

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Greenfield et al.

Attorney Docket No.: SRI1P037

Application No.: 09/938,444

Examiner: Rosenthal, D.

Filed: August 23, 2001

Group: 3644

Title: CONTAINER FOR EXPLOSIVE
DEVICE

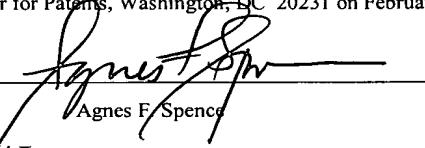
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GROUP 3600

RESPONSE TRANSMITTAL

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail to: Commissioner for Patents, Washington, DC 20231 on February 25, 2003.

Signed: 

Agnes F. Spence

Commissioner for Patents
Washington, DC 20231

Sir:

Transmitted herewith is an Amendment in the above-identified application.

The fee has been calculated as shown below.

	Claims After Amendment		Highest Previously Paid For	Present Extra	Small Entity Rate Fee	Large Entity Rate Fee
Total Claims	19	MINUS	20	0	x 9 =	x 18 = 0.00
Independent Claims	3	MINUS	3	0	x 42 =	x 84 = 0.00
Multiple Dependent Claim Present and Fee Not Previously Paid					\$140.00	\$280.00
				Total	\$	\$0.00

- Applicant(s) hereby petition for a _____ month extension(s) of time to respond to the aforementioned Office Action.
- Applicant(s) believe that no (additional) Extension of Time is required; however, if it is determined that such an extension is required, Applicant(s) hereby petition that such an extension be granted and authorize the Commissioner to charge the required fees for an Extension of Time under 37 CFR 1.136 to Deposit Account No. 500388.
- Enclosed is our Check No. _____ in the amount of \$_____ to cover the additional claim fee and/or extension of time fees.
- Please charge any fees required to facilitate filing the enclosed response, to Deposit Account No. 500388 (Order No. SRI1P037).

Respectfully submitted,
BEYER WEAVER & THOMAS, LLP



Lauren L. Stevens, Ph.D.
Reg. No. 36,691

P.O. Box 778
Berkeley, CA 94704-0778



Agnes Spence

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Agnes Spence
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RESPONSE

Commissioner for Patents
Box Non-Fee Amendment
Washington, D.C. 20231

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Dear Examiner:

REMARKS

Applicants respectfully request reconsideration of the rejections set forth in the Office Action mailed on November 26, 2003. Claims 1-19 are pending. Claims 1-19 have been rejected.

This amendment is to expedite prosecution and should not be construed as acquiescence in any ground of rejection. Applicants reserve the right to prosecute the originally filed claims in the future.

Rejections Under 35 USC 102

Claims 1-14, 16, and 18 have been rejected under 35 U.S.C. §102(a) as being anticipated by "Portable EOD Total Containment Unit," NABCO, Inc. (<http://www.nabcoinc.com/eod/html>, August 10, 2001). Applicants respectfully traverse the rejection.

As set forth in the Declaration of Gary Greenfield under 37 C.F.R. §1.131, Applicants maintain that the claimed invention predated the publication of the NABCO reference. More

specifically, Applicants filed a provisional patent application serial number 60/178,447, on January 27, 2000. The device described in the '447 application was licensed by the assignee of the present invention to NABCO. NABCO subsequently published a figure of the device on its website (i.e., the NABCO reference.)

Although the '447 application was allowed to lapse, the inventors of the subject application continued to work diligently on the device. This work occurred in the United States. The ongoing work culminated in the filing of the present application.

The claimed invention predated the publication of the NABCO reference. Applicants maintain that the NABCO reference is not available as prior art against the claimed invention. Therefore, it is respectfully submitted that the claims are patentable over the cited reference.

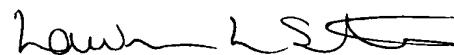
Rejections Under 35 USC 103

Claim 15 has been rejected under 35 U.S.C. §103(a) as being unpatentable over NABCO. Claims 17 and 19 are also rejected under 35 U.S.C. §103(a) as being unpatentable over NABCO in view of U.S. Patent No. 3,820,435 to Rogers et al. ("Rogers"). Applicants respectfully traverse the rejection.

As discussed above, the claimed invention predated the NABCO reference. Applicants maintain that Rogers does not teach or suggest the claimed invention. Therefore, it is respectfully submitted that the claims are patentable over the cited reference.

Applicants believe that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,
BEYER WEAVER & THOMAS, LLP



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